

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PARAMOUNT PICTURES CORPORATION,	)	
a Delaware corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 05-11588-RWZ
	)	
JOHN DOE,	)	
	)	
Defendant.	)	

**PLAINTIFF'S MOTION FOR LEAVE TO TAKE DISCOVERY PRIOR TO RULE 26(f)  
CONFERENCE**

Plaintiff, through its undersigned counsel, pursuant to Federal Rules of Civil Procedure 26 and 45, the Declarations of Chad Tilbury, Thomas Carpenter and R. Christopher Harshman, and the authorities cited in the supporting memorandum of law, hereby moves this Court for an Order permitting Plaintiff to take immediate discovery.

In support thereof, Plaintiff represents as follows:

1. Plaintiff, one of the world's leading motion picture studios, seeks leave of the Court to serve limited, immediate discovery on third party Internet Service Providers ("ISPs") to determine the true identity of the Doe Defendant, who is being sued for direct copyright infringement.

2. As alleged in the complaint, the Doe Defendant, without authorization, used an online media distribution system to download Plaintiff's copyrighted work and distribute the copyrighted work to the public, including by making the copyrighted work available for distribution to others. Although Plaintiff does not know the true name of the Doe Defendant,

Plaintiff has identified the Defendant by a unique Internet Protocol ("IP") address assigned to the Defendant on the date and time of the Defendant's infringing activity.

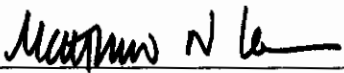
3. Plaintiff intends to serve a Rule 45 subpoena on and any other entity that informs Plaintiff was the actual entity providing network access and online services to the Doe Defendant seeking the Defendant's true name, address, telephone number, email address, and Media Access Control ("MAC") address. Without this information, Plaintiff cannot identify the Doe Defendant or pursue its lawsuit to protect its copyrighted works from repeated infringement.

4. Good cause exists to allow Plaintiff to conduct this limited discovery in advance of a Rule 26(f) conference where there are no known defendants with whom to confer.

WHEREFORE, Plaintiff applies to this Court for an Order granting Plaintiff leave to take discovery prior to the Rule 26(f) Conference.

Respectfully submitted,

Dated: August 1, 2005

  
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